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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,689	01/21/2004	Frank Clark	CLARK1180	5264
25548 7590 09/18/2007 DLA PIPER US LLP 4365 EXECUTIVE DRIVE, SUITE 1100 SAN DIEGO, CA 92121-2133			EXAMINER LEE, GUNYOUNG T	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary

Application No.

10/762,689

Applicant(s)

CLARK, FRANK

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12, 13, 15-20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12, 13, 15-20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/27/2007 has been entered.

Response to Amendment

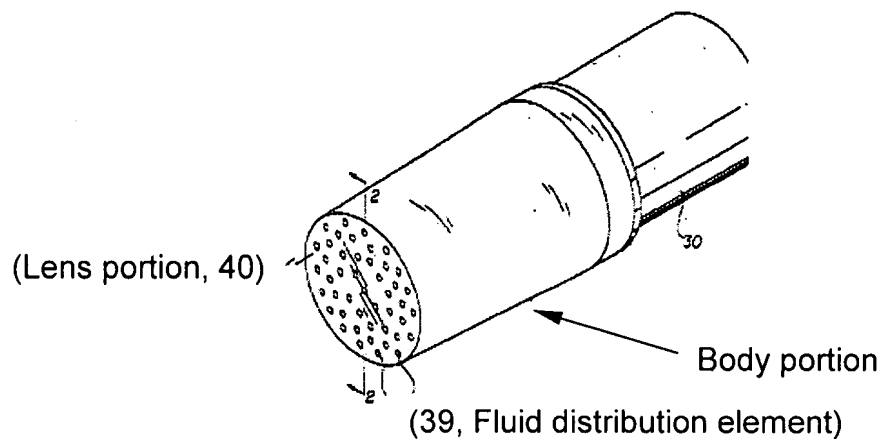
2. Applicant's amendment filed on 07/27/2007 has been entered:
- Claims 1, 12 and 19 have been amended;
 - Claims 4, 11, 14 and 21-22 have been cancelled;
 - Claims 1-3, 5-10, 12-13, 15-20 and 23-24 are pending in this application, with claims 1, 12 and 19 being independent.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-3, 5-10, 12-13, 15-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolson (US 4,564,889) in view of Kokin et al. (US 2004/0258567).
5. Bolson discloses a showerhead having:

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- A (hollow) showerhead (Fig. 1) including a body portion (as shown in the following picture) and an optical lens portion (40) configured to emit a fluid and to receive incident light rays (from a light, 34), refract the incident light rays, and illuminate outgoing fluid (col. 2, lines 14-17) emitted from fluid release points of the optical lens portion;



- A fluid distribution element (39) configured to release outgoing fluid/water from the hollow body (col. 4, lines 3-5);
- The fluid distribution element (39) is integral to the optical lens portion (40);
- The light (34) is attached to (Fig. 2) the body portion such that beams from the light (34) are directed toward the optical lens element and the fluid release points;
- A fluid driven power supply (21, 22, 23) in electrical communication (col. 3, line 29 – col. 4, line 5) with the light (34);
- The fluid driven power supply (21, 22, 23) is configured to receive incoming fluid and release outgoing fluid to the showerhead (Fig. 2);

- The fluid driven power supply (21, 22, 23) is a water driven turbine (col. 3, lines 33-39) that includes a housing (30, 15) having an internal fluid path with a fluid inlet (13) and a fluid outlet (29), a rotatable turbine wheel (22) positioned in the internal fluid path, a generator (23) positioned proximate the housing, and a turbine shaft (25) connecting the rotatable turbine (22) wheel and generator (23);
- The light (34) produces and illuminates fluid released by the showerhead (col. 2, lines 23-27) and is attached to the body portion (Fig. 2);
- The showerhead (Fig. 1) is formed from a lens (translucent) material (col. 4, lines 6-7) (the term "lens" is defined as "a piece of transparent material (as glass) that has two opposite regular surfaces" by the Webster's Ninth New College Dictionary, 1985); and
- The fluid driven power supply (21, 22, 23) and the (hollow) showerhead (Fig. 2) are located between a water inlet and a water outlet.

6. Bolson does not expressly disclose that the fluid driven power supply is in communication with a rechargeable battery. Kokin et al. disclose an illuminating device for a showerhead (paragraph 28, lines 3-5) having a fluid driven power supply (281), a rechargeable battery (279), a fluid flow valve (paragraph 34, lines 3-5) and a light-emitting diode (LED) (287) as a light source, wherein the fluid driven power supply (281) is in electrical communication (paragraph 35, lines 8-12) with the rechargeable battery (279) and the LED lights (287). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rechargeable battery with the fluid driven power supply as shown in Kokin et al., for the showerhead of Bolson, for the purpose of improving the safety of the user by providing power to the light source when

there is no power generation (due to no water flow) in the fluid driven power supply, such as before and after shower.

Conclusion

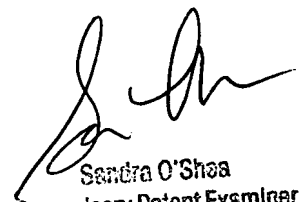
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kessener et al. (US 4,749,126) and Gross (US 7,178,746) shows water distributing devices having lights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
9/13/2007


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800